

EXPRESS MAIL NO.: EV418001461US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ware, Christopher G. et al.

EXAMINER:

SERIAL NO.: 10/743,298

GROUP: 2661

FILED: December 22, 2003

CASE NO.: CS23792AS

ENTITLED: Method and System for Multicast Scheduling in a WLAN

Motorola, Inc.
Intellectual Property
600 N. U.S. Highway 45
Libertyville, IL 60048

U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)
CONSIDERED AS OMITTED BY THE P.T.O. RESPONSE TO**

- ☐ "NOTICE OF OMITTED ITEMS"
☒ "NOTICE OF MISSING PARTS"

NONPROVISIONAL APPLICATION

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 14 February 2005, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV418001461US, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jennifer Magness

Typed name of person mailing paper

Jennifer Magness

Signature of person mailing paper

1. This is in response to the
☐ "NOTICE OF OMITTED ITEMS"
☒ "NOTICE OF MISSING PARTS"
mailed for this application on 1/07/05
☒ A copy of the
☐ "NOTICE OF OMITTED ITEMS"
☒ "NOTICE OF MISSING PARTS"
is enclosed.
2. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the Notice of Missing Parts filed on May 26, 2004.

3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 20,041-20,046 applicant hereby:
- A. Petitions under 37 section 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 27 section 1.17(i) and
- C. Submits the attached evidence of the deposit of the items in issue.
4. Fee Payment
- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00.
- ☒ To Deposit Account No. 50-2117
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.
- ☒ Any other fees necessary for entry of this response may be charged to the above deposit account. A duplicate copy of this sheet is attached.
5. Request for Refund for Petition Fee Under 27 CFR 1.53(e)
- It is respectfully requested that, upon grant of the petition under 37 section 1.53(e), the petition fee be refunded by:
- ☐ a refund check
- ☒ a credit to the charge authorized above
- ☐ refund of the attached Petition for Extension of Time also requested.
6. Provisional Request for Filing Date As of _____. This Date of Submission of Omitted Items in Issue - Provisional Petition under 37 section 1.182.
- In the event that the Petition to Establish Prior Receipt in the P.T.O. of omitted Items in Issue does not result in a decision by the P.T.O. that the omitted items in issue were indeed received by the P.T.O. on the original filing date for this application, applicant hereby:
- (a) submits the omitted items(s) listed on the
- ☐ "NOTICE OF OMITTED ITEMS"
- ☐ "NOTICE OF INCOMPLETE REPLY"
- (b) submits a declaration in compliance with 37 section 1.63 and 1.64 referring to such omitted item(s);
- (c) petitions under 37 section 1.182 to accept the date of this submission as the application filing date, and
- (d) submits the petition fee under 37 section 1.17(h).
7. Petition Fee for Provisional Petition under 37 section 1.182
- The fee under 27 section 1.17(h) is paid as follows:
- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☐ Authorization is hereby made to charge the amount of \$ 130.00.
- ☐ To Deposit Account No. 50-2117
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.
- ☐ Any other fees necessary for entry of this response may be charged to the above deposit account. A duplicate copy of this sheet is attached.
8. Request for Refund for Petition Fee Under 27 CFR 1.53(e)
- It is respectfully requested that, upon grant of the petition under 37 section 1.53(e), the petition fee be refunded by:
- ☐ a refund check
- ☐ a credit to the charge authorized above

EVIDENCE OF DEPOSIT OF ITEM(S)
WITH APPLICATION INDICATED AS OMITTED IN THE

- ☐ "NOTICE OF OMITTED ITEMS"
☒ "NOTICE OF MISSING PARTS - NONPROVISIONAL APPLICATION"

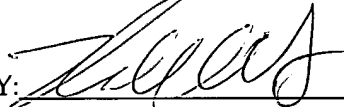
In connection with the

- ☐ "NOTICE OF OMITTED ITEMS"
☒ "NOTICE OF MISSING PARTS"

dated 4/05/04, applicant submits the following evidence that the item(s) indicated as omitted were in fact facsimile transmitted to the P.T.O. on 5/26/04:

- ☒ a photocopy of the Auto-Reply Facsimile Transmission showing thereon that the item(s) indicated as omitted were facsimile transmitted on 5/26/04.
- ☒ a copy of the Message Confirmation, Facsimile Cover Sheet, Response to Notice to File Missing Parts, Transmittal Form, Fee Transmittal Form, Declaration with Power of Attorney, and the Notice of Missing Parts facsimile transmitted on 5/26/04.

Respectfully submitted,
Ware, Christopher et al.

BY:  2-14-2005
Randall S. Vaas Date
Agent for Applicants
Registration No. 34,479
Phone: 847/523-2327
FAX No.: 847/523-2350